

EXCERPTS

A F F I D A V I T

IN BEHALF OF SIRHAN SIRHAN PRESENTLY SERVING TIME IN SAN QUENTIN PRISON.

I, Dr. Eduard Simson, being first duly sworn, depose as follows:

1. I have been a resident of the State of California since 1949. I have lived in Monterey, California for more than five years.

2. I am now and for approximately seventeen years have been engaged in the field of clinical psychology and psychotherapy. I was licensed as a psychologist in the State of California in 1960.

3. My formal academic background includes graduation from Stanford University (A.B.), a M.A. from New York University, a M.Psy. from the University of Louisville, a Ph.D. (Magna Cum Laude) from Heidelberg University, and a Diploma in Community Psychiatry, State of California Center for Training in Community Psychiatry and Mental Health Administration in Berkeley. I was Post-Doctoral Fellow with the Devereux Foundation, and a USPHS-NIMH Post-Doctoral Fellow at the University of California, Berkeley.

4. My membership in professional organizations includes: Fellow-British Royal Society of Health; Fellow-American Society for Clinical Hypnosis-ERF; Fellow-International Council of Psychologists; member-American Psychological Association, American and International Society for Clinical and Experimental Hypnosis, American Association of Mental Health Administrators and American Association of University Professors.

5. My practical experience and positions held include five years Chief Clinical Psychologist, Monterey County Mental Health Services; six years, Senior Psychologist, California State Prison, San Quentin; four years Chief Psychologist, Hunterdon Medical Center, New Jersey; and two years Clinical Psychologist, Alaska Territorial Department of Health.

6. I have taught Abnormal Psychology and Methods of Psychotherapy at the University of California, Santa Cruz Extension Program as well as at the University of Hawaii, Hartnell College and California State University, San Jose (a total of twenty-eight courses). I have also taught college extension courses for prisoners at Soledad Correctional Training Facility.

7. During my six years with the San Quentin Prison (two years full time, four years part time), I had an opportunity to study thousands of prisoners, including the condemned men on Death Row. For two years I was in charge of San Quentin Prison's psychological testing program.

During the summer of 1969, I interviewed and tested extensively and repeatedly during approximately twenty weekly visits, one particular inmate on Death Row, Sirhan Sirhan (accused of killing Senator Robert F. Kennedy).

8. After my visits with Sirhan were terminated, I found that Sirhan had repeatedly requested that his family contact me for the specific purpose of reviewing the psychiatric testimony that had been given at his trial. I reserved my decision to become further involved in this case until a much later date when I had the chance

to meet and talk to William W. Harper, a ballistic's expert and to study the trial transcripts. Mr. Harper's findings encouraged me to look further into the psychiatric testimony. I am appalled at the conduct of the mental health professionals involved in this case. It was with some reluctance that I agreed to examine the transcripts of the trial testimony as given by the psychologists and psychiatrists. I undertook the writing of this affidavit because I feel that it would be a disservice to the profession of psychology to let this matter rest without further review.

9. I discussed my findings with the prison's Chief Psychiatrist, Dr. David G. Schmidt. It was our conclusion that the findings reported during Sirhan's trial did not match but, in fact, were strictly in conflict with our findings elicited from Sirhan at San Quentin. My psychological test findings were strongly in conflict with the testimony of the trial's main witnesses, Dr. Diamond, Dr. Schorr, and Dr. Richardson, as well as with the testimony of psychologists performing "blind analysis" of Sirhan's "raw (test) data."

Nowhere in Sirhan's test responses was I able to find evidence that he is a "paranoid schizophrenic" or "psychotic" as testified by the doctors at the trial. My findings were substantiated by the observations of the Chief Psychiatrist at San Quentin, Dr. Schmidt, who also did NOT see Sirhan as psychotic or paranoid schizophrenic.

For instance, the bias and errors of the psychologists, such as Dr. Schorr, are well illustrated by the fact that his IQ estimates of Sirhan were significantly lower than those I obtained at San Quentin. During my testing at San Quentin, Sirhan obtained the following results on the Wechsler Adult Intelligence Scale:

Verbal IQ 129 (Very Superior)
Performance IQ 119 (Bright Normal)
Full Scale IQ 127 (Superior)

Dr. Schorr testified that his intelligence testing of Sirhan produced the following, much lower, IQ estimates:

Verbal IQ 109 (Average)
Performance IQ 82 (Dull-Normal)
Full Scale IQ 98 (Average)

From these scores, Dr. Schorr inferred and related to the jury that, based on his intelligence testing, Sirhan was a schizophrenic. Actually he was performing below his true intelligence because:

a) he was under stress of being imprisoned under very unusual circumstances,

b) he did not, as an Arab, want to cooperate with a Jewish doctor (doctors) he deeply distrusted.

This deep distrust, NORMAL (under the circumstances) was interpreted by his doctors as "paranoia", "schizophrenia", or "psychosis". None of these labels could describe Sirhan's behavior on Death Row where I found that his behavior fell well within the normal range.

10. The testimony of psychiatrists and psychologists, which I have carefully studied from trial transcripts, shows significant errors, distortions, even probable falsification of facts. The main reason for these errors rests largely on their belief that Sirhan killed Robert F. Kennedy. Their approach to examining Sirhan was highly misguided because of this preconceived notion. Had they known the ballistics evidence strongly contradicts Sirhan

having killed Robert F. Kennedy, their approach to interpreting Sirhan's test responses and spontaneous behavior would have been different. Pp 8063, 8068, 9, 70.

11. Assuming that Sirhan killed Robert F. Kennedy, an assumption, the validity of which apparently no one seriously questioned, the mental health specialists saw their role primarily in proving what to them was a known fact, rather than in discovering the truth. Consequently, since their approach was incorrect, they related erroneous conclusions to the jury.

12. The fact that the doctors examining Sirhan were mostly Jewish, whom Sirhan, as an Arab, highly distrusted, no psychological test results or hypnotic experiments conducted by them could be expected to yield valid information. The Jewish doctors, personally involved in the Arab-Jewish crisis, should have disqualified themselves. Psychological testing can provide valid information only when the subject trusts and fully cooperates with a psychologist. This Sirhan did with me, but, as he revealed to me, not with the court psychologists. Consequently, with or without hypnosis, the court psychiatrists and psychologists were NOT in a position to "unlock" Sirhan's mind. This could only be done by a doctor Sirhan fully trusted. I had become such a doctor for Sirhan. I believe I was well on my way to accomplishing this task, but could not complete it because my visits with Sirhan were abruptly terminated by San Quentin's Associate Warden James Park.

13. The following examples which I discovered in the trial transcripts serve as illustrations of the many errors and biases of

interest here was the pedantic collation of Sirhan's books taken by McCowan. These books were twenty-nine in number and the list was given to Sirhan's family. The before-mentioned book is included in this list. Mr. McCowan describes with great detail "The American People" by Muzzey. On page 373 over a picture of Ulysses S. Grant is written "Nuts to myself" twice. This is written with a fine pencil and very lightly. Mr. McCowan concludes his report of this book: "The writing does not appear to be Sirhan's writing", and Mr. McCowan clearly states: "The above concludes the writings in this book". However, on page 527 there is a very strongly pressured pen underlining "It was his last public utterance..." And there is a handwritten addition: "Many more will come." This sentence Dr. Marcus quoted at the trial. If McCowan could see the very fine writing on p. 373, how could he fail to see the different and heavily underlined notations on p. 527? In view of the fact that Mr. McCowan's research is so thorough, I find it incomprehensible that this could have been overlooked. Sirhan's consistent feelings about strange handwriting in his notebook and this addition leads me to believe that someone other than Sirhan underlined and made notes in this book -- at some date after these books were taken from Sirhan's home.

25. Reading and studying carefully the transcript of Sirhan's trial, there is a dominant impression that the psychiatric-psychological team, largely made up of Jewish doctors, pooled their efforts to prove that Sirhan, the hated Arab, was guilty and insane, a paranoid schizophrenic. Subsequent studies I have done in a more neutral, trusting relationship at San Quentin clearly point out the simple truth: Sirhan is not and was never a paranoid schizophrenic. The jury

psychosis was obtained when Sirhan was under hypnosis (p. 6881). The fact is, paranoid schizophrenics are almost impossible to hypnotize. They are too suspicious and do not trust anybody, including friends and relatives, not to speak of a hypnotist from, for him, the most hated race. Psychotics in general are among the poorest subjects for hypnosis. They cannot concentrate, they do not follow instructions and basically do not trust. Sirhan, however, was an unusually good hypnotic subject. Sirhan asked me to hypnotize him, which I did not do, in order not to contaminate my test findings with fantasies. He himself had manufactured a hypno-disk was practicing self-hypnosis in his Death Row Cell, an activity requiring considerable self-control which no psychotic has. The fact that Sirhan was easy to hypnotize, as testified by Dr. Diamond, proves he was not a paranoid schizophrenic (during one hypnotic experiment Dr. Diamond made Sirhan jump around, like a monkey; only good hypnotic subjects respond so readily to hypnotic suggestions).

30. (p. 6907) Dr. Diamond testified: "Schizophrenia (as he diagnosed Sirhan) is a disease of the mind which is all pervasive." Admitting this, he presented no evidence, no proof that Sirhan was totally disorganized, "sick" across the board in his mental functioning. Quite to the contrary, numerous witnesses saw him as highly intelligent and well oriented. The fact that Sirhan's behavior was quite appropriate to the reality he was in makes his behavior essentially normal. Normal behavior is tuned in to reality, is fitting to the circumstances in which the person finds himself. The "mentally ill" person does not like his reality and handles it by substituting a world of fantasies; he substitutes his fantasies and wishful thinking to reality, something he can handle without loss of self-esteem.

was fed pooled information, the main author of the defense strategy being Dr. Diamond. The evidence suggests that Dr. Diamond was wrong, was not objective enough and was not an impartial searcher for truth as a psychiatrist in such a grave situation involving a man's life and death should be. The testimony that followed, too often utilized textbook stereotyped descriptions, rather than the life and personality of a bright young Arab, Sirhan Sirhan. Sirhan had become the center of a drama that unfolded slowly, discrediting and embarrassing psychology and psychiatry as a profession. He was the center of a drama, the true center of which probably still lies very much concealed and unknown to the general public. Was he merely a double, a stand-in, sent there to draw attention? Was he at the scene to replace someone else? Did he actually kill Robert Kennedy? Whatever the full truth of the Robert F. Kennedy assassination might be, it still remains locked in Sirhan's mind and in other, still anonymous minds.

26. Dr. Diamond testified (p. 6848): "(Sirhan) was more than willing to communicate to me that he had shot and killed Senator Kennedy." Sirhan told me that he did not trust Dr. Diamond, that he was making up stories for him to please and confuse him. (p. 6884) Dr. Diamond is correct in admitting that Sirhan lied to him and that it was difficult for him to determine what was truth, what was lie. Yet he drew conclusions from such material, presenting it as the full truth.

To illustrate Dr. Diamond's typical tendency to reach beyond his competence and be an expert also in areas of no expertise, he testified (p. 6854) "I am somewhat familiar with guns ... this type of revolver (that Sirhan used) ... never should have been manufactured and all

some of the r's were made in an unusual manner and he answered, he wanted to know whether we had hired a handwriting expert to forge the papers (forge his handwriting)."

Dr. Pollack testified (p. 7550) that Sirhan doubted the handwriting in the notebooks was his.

At no time did Sirhan offer the admission that he wrote the notebooks; yet the notebooks were one of the most important parts of evidence leading to his conviction. (p. 6978) Sirhan rejected and disowned the notebooks. According to a handwriting analyst's testimony (p. 7415) the handwriting in the notebooks was by someone who was "taking a little more pains with it than he ordinarily does". It is unlikely people do this in their notebooks; a more reasonable assumption is, it is done more by someone who tries to imitate a handwriting. Mr. Sloan, the prosecution's handwriting analyst, (p. 7432) was very likely also influenced by the fact that he believed Sirhan killed Robert Kennedy. I strongly suspect the notebooks are a forgery, for the thinking reflected in them is foreign to the Sirhan I carefully studied.

34. Dr. Diamond, the defense psychiatrist, blocked further evaluation of Sirhan by Dr. Pollack when Dr. Pollack did not agree with his views on Sirhan, thus further adding to the bias of promoting one specific interpretation to the jury. (Dr. Pollack did not agree with the diagnosis of Sirhan as a "schizophrenic" or "paranoid schizophrenic", as did the psychiatric TEAM working under the direction of Dr. Diamond.)

The following testimony is from Dr. Pollack (p. 7725): "I found no symptoms of any psychosis in Sirhan."

(p. 7513) "Sirhan was NOT psychotic."

as well as invalid.

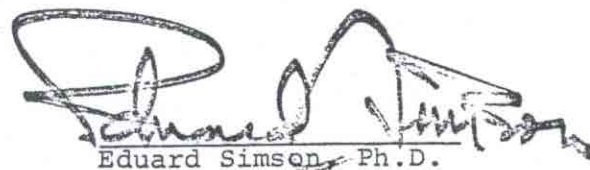
37. Dr. Diamond's testimony strongly suggests that his hidden aim was to disturb Sirhan emotionally with the use of hypnotic experiments so he would behave like a paranoid schizophrenic, and so support his theories (I would more appropriately term them Freudian fantasies) which would explain why Sirhan killed R.F.K.

38. In summary, my repeated psychological testing of Sirhan Sirhan after his trial and our interviews strongly indicate that the psychiatric-psychological testimony at the trial was full of numerous factual errors and misleading to the jury. Most of the doctors testifying saw their role in proving why Sirhan killed Kennedy, which required a focus on pathology (mental illness) that I found does not exist. They failed to consider the real facts in a more objective light and failed to consider the possibility clearly suggested by the ballistic testimony and Sirhan's own testimony under close scrutiny that perhaps Sirhan did not kill Robert F. Kennedy.

Sirhan's trial was not handled properly by the mental health professionals. In retrospect, a close study of the trial testimony and my own extensive study of Sirhan leads to one irrevocable and obvious conclusion:

Sirhan's trial was, and will be remembered, as the psychiatric blunder of the century.

Dated: March 9, 1973


Edward Simson, Ph.D.